

REMARKS

Favorable reconsideration of this application is respectfully requested.

Non-elected Claims 8-20 have been cancelled, but Applicants reserve the right to assert these claims in a divisional patent application.

The rejection of Claims 1-7 and 21-25 under 35 U.S.C. § 103(a) as being unpatentable over Fifield in view of Etoh<sup>1</sup> is respectfully traversed.

Deficiencies of Fifield as a reference are acknowledged in the rejection. The rejection proposes to cure these deficiencies by incorporating teachings from Etoh into Fifield. However, Etoh does not teach or suggest the features asserted in the rejection.

With regard to Claim 1, Etoh does not teach or suggest a gate length of a first gate electrode of a plurality of first MOS transistors larger than a gate length of a second gate electrode of a plurality of second MOS transistors. Contrary to the assertion in the paragraph at the bottom of page 3 of the Office Action, element 51 in Fig. 14B of Etoh is not a gate. It is a polysilicon electrode for forming a

---

<sup>1</sup> Etoh is designated as U.S. Patent No. 5,692,999 in the Office Action. It appears that the proper designation is U.S. Patent No. 5,262,999, because no other Etoh patent is of record.

storage capacitor. See column 20, lines 53-54. The gates in Fig. 14B are identified by reference numeral 52, and both of these gates have the same length. This same deficiency of Etoh applies to Claim 2 as well as to Claim 1.

Claim 1 also recites that a spacing between the first gate electrode of the first MOS transistors and a first contact hole for connecting a wiring to a source region or a drain region of the first MOS transistors is larger than a spacing between the second gate electrode and a second contact hole for connecting a wiring to a source region or a drain region of the second MOS transistors.

On page 4 of the Office Action, the rejection asserts that this feature of Claim 1 is met by Fig. 36C of Etoh. However, in Fig. 36C the appropriate distances to be considered are the distance between gate 139 and the contact hole associated with element 143, and the distance between gate 140 and the contact hole associated with element 144. The contact hole associated with element 142 is not associated with gate 139. In other words, the distances between the gates 139 and 140 and their respective contact holes are the same in Fig. 36C.

It is apparent, therefore, that even if the actual teachings of Etoh were combined with the teachings of Fifield, Claim 1 would distinguish patentably from this combination of reference teachings, and that Claim 1, as well as the claims dependent thereon, should be allowed.

It has already been pointed out that Etoh does not teach or suggest the feature recited in Claim 2 wherein a gate length of a first gate electrode of a plurality of first MOS transistors is larger than a gate length of a second gate electrode of a plurality of second MOS transistors.

Claim 2 also recites that a spacing between an edge of a first active region in which the first MOS transistors are formed and a first contact hole for connecting a wiring to a source region or a drain region of the first MOS transistors is larger than a spacing between an edge of a second active region in which the second MOS transistors are formed and a second contact hole for connecting a wiring to a source region or a drain region of the second MOS transistors.

In the rejection of Claim 2, Fig. 36C of Etoh is relied upon for supposedly teaching this spacing feature of Claim 2. However, it is apparent from the foregoing

discussion regarding Claim 1, that Etoh does not teach or suggest this feature.

Accordingly, since Etoh does not teach or suggest the gate length feature of Claim 2 or the spacing feature of Claim 2, no proper combination of the teachings of Etoh and Fifield can be said to render the invention recited in Claim 2 obvious. Claim 2 and the claims dependent thereon should therefore be allowed.

This application is now clearly in condition for allowance.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

NHS:skj

Miles & Stockbridge P.C.  
1751 Pinnacle Drive  
Suite 500  
McLean, Virginia 22102  
(703) 610-8687  
August 4, 2003

By: *Nelson H. Shapiro*  
Nelson H. Shapiro  
Reg. No. 17,095